

ORDINANCE NO. 297

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LODI RELATING TO THE PUBLIC POUND

The City Council of the City of Lodi does ordain as follows:

SECTION 1. The public pound shall be maintained at such place as is provided therefor from time to time by the City Council.

SECTION 2. The position of poundmaster is hereby continued. It shall be filled in the manner provided in ordinances and resolutions of the City Council relating to the personnel system of this City.

It shall be the duty of the poundmaster to have charge of the licensing of dogs and cats and the maintenance and operation of the public pound. The poundmaster shall receive such compensation and allowances as may be allowed by the City Council.

All dog and cat license fees, charges, costs, receipts from sales, etc., collected by the poundmaster shall be paid over to the Chief of Police, who shall account for the same in the same manner as he accounts for other moneys received by him.

SECTION 3. The poundmaster shall be sworn in as a regular police officer of the city and shall be issued a police badge by the Chief of Police. He shall have the powers of a peace officer and, in addition to the enforcement of the provisions of this ordinance, shall enforce such state laws and local ordinances as relate to the care and treatment of animals and for the prevention of cruelty thereto. For the purpose of discharging the duties imposed upon him he is hereby authorized and directed (when it is lawful to do so) to enter upon any

premises for the inspection **or** examination thereof or for the performance of any other of his official duties thereon; and he shall take up and impound any animal or **fowl** which may hereafter be in said city contrary to any provision hereof.

SECTION 4. Every person owning or having possession of a dog or cat shall pay a license fee for the calendar year beginning January 1st or **for** any fractional part of such year as follows:

For each male dog .....	\$ 1.00
For each female dog that has been spayed.	\$ 1.00
For each female dog not spayed .....	\$ 4.00
For each male cat .....	\$ 0.50
For each female cat .....	\$ 1.00

The license fee shall be paid to the poundmaster as soon as such **dog** or cat shall come into the possession of the owner or person having possession thereof and annually thereafter on or before the first day of January of each succeeding year.

The owner or person having possession of such dog **or** cat shall provide it with a suitable collar upon which shall be securely attached a license tag issued by the poundmaster **or** payment of the license fee, showing the license number and the year for which the dog or cat is licensed. The receipt for payment, a copy of which shall be kept on file, shall bear the **same** number as the license tag, also the name and description of the dog and the name and address of the owner.

SECTION 5. Any person who is engaged in the business of breeding **or** raising dogs or cats shall pay a business license fee of \$10.00 per quarter year, payable as other business licenses are payable. He shall be exempt from the requirement

of paying license fees for each dog or cat kept in his establishment. No such dog or cat may be permitted to be in said city contrary to provisions of this ordinance.

SECTION 6. Dogs under six months of age shall not be required ~~to~~ be licensed under the provisions of this ordinance if kept confined entirely to the premises of the owner or person entitled to the possession thereof. The poundmaster may require satisfactory proof, in writing, substantiating any claim of exemption under the provisions of this ordinance.

SECTION 7. Whenever a license tag issued for the current year has been stolen or lost, the person owning ~~or~~ having possession of the dog for which it was issued shall secure, on payment of 50¢ to the poundmaster, a duplicate license tag for the remainder of the year.

SECTION 8. It shall be unlawful for any person at any time to have, own or possess any dog or cat within the corporate limits of said city, whether the same be licensed or not, if such dog or cat is permitted at any time to be beyond the immediate presence, control or supervision of such owner or his employee or agent or some member of his family or unless such dog or cat be kept securely in an enclosure or securely tethered.

SECTION 9. Every dog which has injured any person, other than a trespasser or the person owning or having the possession thereof, and every dog which has damaged the property of any person other than the person owning or having the possession of such dog, shall be taken by the poundmaster and impounded in the public pound. Before any dog may be picked up and impounded by the poundmaster for a violation of this section which has been committed outside of the presence of the poundmaster or of a

regular member of the city police department, the person complaining against such violation shall be required to file a written complaint, setting forth the details with respect to the injury or damage asserted to have been committed and identifying the dog which has committed the same. In the event that the facts and circumstances of any case warrant, in the opinion of the Chief of Police, an arrest of the person owning or having possession of said dog, then the person complaining may also be required to sign a complaint to cause the arrest.

SECTION 10. It shall be unlawful for any person owning or having the possession of any dog or other animal known by such person to be vicious or dangerous to permit the same to be in said city, or to run loose on or within the premises of such person, in such a manner as to endanger any person lawfully entering such premises. A dog is hereby declared to be vicious within the meaning of this section when it shall have bitten any one or more persons, or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known, to the owner or person in possession of such animal.

It shall be the duty of the poundmaster to seize and impound any vicious dog which is found off the premises of its owner or other person in control thereof.

SECTION 11. Whenever any cases of rabies exist in the city or in the vicinity of the city the Chief of Police is hereby authorized to publish an order requiring every person owning or having possession of any dog to keep it confined upon private premises or else keep it effectively muzzled to prevent biting. When the period of danger from rabies has terminated, in the opinion of the Chief of Police, he shall publish a notice

terminating the said order. During the period between the published notice and the termination of such order it shall be unlawful for any person owning or having possession of any dog to allow it to be so unconfined or unmuzzled and every unmuzzled dog not so confined during said period shall be taken by the poundmaster and impounded in the public pound. The notices herein referred to shall be published by posting in at least three public places in the city and by one or more publications in a newspaper published and circulated within the City of Lodi.

SECTION 12. In the event that any dog is impounded upon complaint of any person asserting that such dog has bitten some person, the poundmaster shall impound and keep such dog safely segregated during a period of at least ten days for observation for rabies, and following such period of observation, if it be found that the dog does not have rabies and if it is licensed and otherwise eligible to be returned, it shall be returned to the owner and no additional charge shall be made for the number of days added to the normal period of impound that the dog is required to be impounded for observation. If the dog is found to have rabies it shall be forthwith destroyed by the poundmaster. In the event of any statute taking precedence over the provisions of this ordinance with respect to the impounding or regulating of dogs suspected of having rabies or otherwise regulating dogs or animals then to the extent that such statutes conflict with the provisions of this ordinance such provisions hereof, respectively, shall be deemed suspended during such period of conflict.

SECTION 13. The owner or person entitled to the possession of any dog which has been impounded under the provisions of this ordinance (except under Section 9 or 11 hereof) may secure

the release thereof at any time before the sale or other disposition thereof as herein provided, by paying to the poundmaster a fee of \$2.00 together with a feeding charge of 25¢ for each day or fraction of a day that said dog has been impounded, and by the payment of any unpaid license tax which is due and unpaid with respect to said dog. If the dog was impounded upon the complaint of any person asserting personal injury or property damage by said dog, said dog may not be redeemed until and unless satisfactory evidence is given to the poundmaster, in writing, by the person owning or having possession of said dog, of precautions to be taken assuring against the recurrence of any such injury or damage. In the event that a dog is impounded for the second time within the period of one year the fee to be paid to the poundmaster for the release of said dog shall be the sum of \$4.00. If impounded for three or more times within the said period of one year the pound fee to be charged shall be the sum of \$10 for each such additional impounding.

SECTION 14. Any dog not redeemed within the period of 100 hours from and after the time of impounding may be sold at such price as the poundmaster may deem obtainable, or may be given away if, in the opinion of the poundmaster, such animal has no sale value. No notice of sale or advertising of any kind shall be required and all unredeemed dogs which have not been sold or given away ~~within forty-eight hours~~ after the expiration of said 100 hour redemption period shall forthwith be destroyed by the poundmaster at his discretion.

SECTION 15. It shall be unlawful for any person owning or having possession of any horse, cow, goat, or other animal to permit it to run at large or to be pastured, staked or tied for the purpose of grazing upon any street, sidewalk or

other public place, or upon the property of any other person against the wishes of the owner or occupant thereof, or within forty feet of the dwelling of another, or in any manner or place to the injury or damage of the owner or occupant of other property. It shall be unlawful for any person owning or having possession of any chickens or other fowl to permit them to run at large upon any street or other public place or upon the property of another without the permission of the owner or occupant thereof, or in any manner to the injury or damage of the owner or occupant of such other property, and every such animal or fowl, upon complaint thereof being made in writing by the person aggrieved, shall be taken by the poundmaster and impounded in the public pound.

The poundmaster, upon impounding any such animal or fowl shall immediately notify the owner or person entitled to the possession thereof of the impounding thereof, if such person is personally known to him, or if unknown, by posting notices of the impounding with the description of the animal or fowl and the time and place of its apprehension in at least three public places in the city.

**SECTION 16.** After the expiration of 100 hours from the time of posting such notices, any animal or fowl impounded, pursuant to the provisions of the preceding section may be sold, given away or destroyed by the poundmaster in the same manner and under the same conditions imposed hereunder with respect to the sale or other disposition of dogs impounded. The poundmaster is hereby authorized but is not required, to publish such notices of sale as he deems warranted to aid in the sale of impounded animals.

SECTION 17. The poundmaster shall collect the following fees and feeding charges from persons redeeming any animal or fowl, other than dogs, impounded under the preceding sections:

For impounding each fowl, cat, rabbit or animal of similar size, a fee of 25¢.

For impounding each animal of larger size than those enumerated above a fee of \$2.00.

For feeding each fowl, cat, rabbit or animal of similar size, a feeding charge of 10¢ per day.

For feeding each larger animal a feeding charge of \$1.00 for each day impounded.

SECTION 18. The poundmaster shall keep a record of the number, description and disposal of all dogs, other animals and fowl impounded, showing in detail as to each the date and time of impounding, the date and manner of the posting of notices, the date and manner of disposal, the date, time and cost of any advertisement for sale, including copies thereof, the name and address of persons redeeming or purchasing and the fees, feeding charges, costs and proceeds of sale received on account thereof. Said record shall be kept by the poundmaster in a book or books provided for that purpose and a copy thereof, kept up to date, shall be left in the office of the Chief of Police and be open at all times to public inspection. Each month the poundmaster shall file with the City council a detailed report containing a summary statement of the number and kinds of all dogs, other animals and fowl impounded, redeemed, sold, given away, and destroyed, the amounts of fees, feeding charges and proceeds of sale collected during the preceding month.



The poundmaster shall issue receipts in triplicate, numbered consecutively, for all such fees, feeding charges and proceeds of sale collected by him hereunder, giving one copy to the person making payment, furnishing one to the auditor and retaining the remaining copy for his records.

SECTION 19. The poundmaster shall keep all dogs, other animals and fowl in his custody supplied with proper food and water, which shall be furnished by the city and shall give such animals all necessary care and attention.

SECTION 20. The poundmaster shall remove and dispose of all dead dogs, cats and other animals found on any street or other public place.

SECTION 21. The poundmaster shall, upon request of any person within the city, remove and dispose of any animal or fowl owned by or in the possession of such person and shall collect from the persons for whom such services are rendered the following fees:

For removing or disposing of any dog a fee of 50¢

For removing and disposing of any fowl, cat, rabbit  
or animal of similar size, a fee of 50¢.

For removing and disposing of any calf, sheep or  
goat or animal of similar size a fee of \$1.50.

For removing and disposing of any cow, horse, or  
animal of similar size, a fee of \$2.00, plus any  
actual cost incurred in such removal and disposal  
other than the personal services of the poundmaster.

SECTION 22. It shall be unlawful for any person to resist or obstruct the poundmaster in any way in the performance of his duties hereunder.

SECTION 23. It shall be unlawful for any unauthorized person to remove from any dog any collar or harness or other device to which is attached a license tag for the current year or to remove such tag therefrom.

SECTION 24. It shall be unlawful for any person to have, harbor or keep or to cause or to permit to be harbored, or kept any unlicensed dog within the city.

SECTION 25. It shall be unlawful for the owner or person having the possession of any female dog to cause, permit or allow the same to be in or upon any public street or place or upon the property of a person other than a person owning or having the possession of said dog while such female dog is in heat.

It shall be the duty of the poundmaster to seize and impound any dog which is in said city in violation of any of the provisions of this ordinance, whether **or** not such dog has been duly licensed.

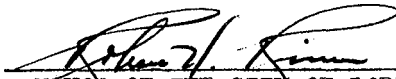
SECTION 26. Each provision of this ordinance (except as to license, redemption, feeding and other rates) when herein made applicable to dogs, shall be applicable to cats to the same extent as if the word "cat" appeared in such provision in place of the word "dog".

SECTION 27. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$300 or by imprisonment in the city jail or the county jail of San Joaquin County for a term not exceeding three months, or by both such fine and imprisonment.

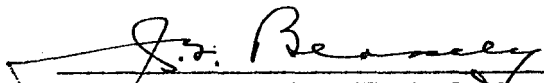
SECTION 28. Ordinance No. 154, adopted March 1, 1926, Ordinance No. 156 adopted February 7, 1927, Ordinance No. 227 adopted June 22, 1936 and Subdivision 17 of Ordinance No. 277 adopted January 21, 1942 and all other ordinances or parts of ordinances in conflict herewith, to the extent of such conflict are hereby repealed.

SECTION 29. This ordinance shall be published one time in THE LODI TIMES, a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its final passage and approval.

Adopted and approved this 2 day of February 1944.

  
MAYOR OF THE CITY OF LODI

ATTEST :

  
CITY CLERK OF THE CITY OF LODI